

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DATE: June 13, 2013

LEONARD DAVIS
Judge Presiding

Court Reporters: Shea Sloan
Judy Werlinger

Law Clerk: Blaine Larson

Court Administrator: Rosa L Ferguson

ERICSSON, INC, ET AL

V

D-LINK CORPORATION, ET AL

**CIVIL ACTION NO: 6:10-CV-473
JURY TRIAL – DAY 8**

ATTORNEYS FOR PLAINTIFF

ATTORNEYS FOR DEFENDANTS

SEE SIGN-IN SHEETS

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 9:00 AM.

ADJOURN: 4:35 pm

TIME:	MINUTES:
9:00 AM	Jury Deliberating.
12:55 pm	Trial resumed. Jury not present. Court advised that verdict has been reached and admonished parties on reading of the verdict. Depending on verdict, the Court may go into the willfulness evidence.
	Court asked for the Jury. Jury seated in the courtroom.
	Court addressed jury and inquired if they have reached a verdict. Jury foreperson responded. Verdict form tendered to the Court.
	Court asked Clerk to read the verdict. Verdict read. Court inquired if the parties wished to poll the jury. Mr. Van Nest requested the Jury be polled.
	WILLFUL INFRINGEMENT PORTION OF THE TRIAL.
	Court addressed the jury and gave them further instructions. Court explained that the Jury would have to answer one more question as to willfulness and gave them a brief overview of the proceedings.
	Court gave the Jury some preliminary instructions regarding the Willfulness stage of this trial.
	Mr. Cawley requested to approach the bench. (Bench Conference held).
	Mr. Cawley presented an opening statement to the Jury on behalf of the Plaintiffs.
	Mr. Van Nest presented opening statements to the Jury on behalf of the Defendants.
	Mr. Cawley addressed the Court regarding video depositions. Mr. Dearman gave

TIME:	MINUTES:
	the Court the times for the depositions.
	Mr. Cawley called CHAD ANSON by video deposition. Video played.
	Mr. Cawley called MASA OKUMURA by video deposition. Video played.
	Mr. Cawley called A.J. WANG by video deposition. Video played.
	Mr. Cawley indicated that Ericsson RESTS .
	Mr. Van Nest called DUNCAN KITCHIN to the witness stand. Witness previously sworn.
	Direct examination of Mr. Kitchin by Mr. Arovas.
	Mr. Arovas passed the witness. Cross examination of Mr. Kitchin by Mr. Stevenson.
	Mr. Stevenson passed the witness. Redirect examination of Mr. Kitchin by Mr. Arovas.
	Mr. Arovas passed the witness. Recross examination of Mr. Kitchen by Mr. Stevenson.
	Mr. Stevenson passed the witness.
	Court asked Jury to pass up their questions.
2:10 pm	Court recessed the Jury for 10 minutes.
	Jury not present.
	Court read Question 1. Mr. Van Nest responded. Mr. Stevenson responded. Mr. Arovas responded. Court sustained.
	Court read Question 2. Mr. Stevenson responded and objects. Mr. Van Nest responded. Court will take out "legally" and read the rest of the question.
2:13 pm	Court inquired about how much longer they had. Parties responded.
2:13 pm	Court in recess until 2:20 pm
2:25 pm	Trial resumed. Jury seated in the courtroom.
	Court asked witness Question No. 2. Witness answered.
	Mr. Van Nest called ANDREAS IWERBACK by video deposition. Video played.
	Mr. Van Nest offered Defendants' Exhibits 71 and 789. Ms. Moore objected. Mr. Van Nest asked to approach bench. (Bench Conference held.)
	Mr. Van Nest re-offered Defendants' Exhibits 460, 71 AND 489 , and exhibits admitted.
	Mr. Van Nest called Dr. MATTHEW SHOEMATE to the witness stand. Witness previously sworn.
	Direct examination of Dr. Shoemate by Mr. Dauchot.
	Mr. Dauchot passed the witness. Cross examination of Dr. Shoemate by Mr. Cawley.
	Mr. Cawley passed the witness. Redirect examination of Dr. Shoemate by Mr. Dauchot.
	Mr. Dauchot passed the witness.
	Court asked Jury to pass up their questions. No questions for this witness.
	Mr. Van Nest called CHRISTINA PETERSSON by video deposition. Video played.
	Mr. Van Nest indicated that Defendants REST .
	Mr. Cawley does not have any rebuttal.
	Court addressed the Jury about instructions.
	Mr. Van Nest asked to approach bench. (Bench Conference held).
	Court charge on willfulness read to the Jury.
	Mr. Cawley presented closing arguments to the Jury on behalf of the Plaintiffs.
	Mr. Van Nest presented closing arguments to the Jury on behalf of the Defendants.
	Mr. Cawley asked to approach. (Bench Conference held).

TIME:	MINUTES:
	Mr. Cawley presented rebuttal arguments to the Jury.
	Court addressed the Jury and gave the Jury some additional instructions. Court excused the Jury to commence their deliberations.
3:27 pm	Court inquired if there was.
	Mr. Van Nest addressed the Court on the exhibits admitted. Court asked the parties to gather their exhibits and give them to Court Clerk and she would tender to the Jury.
	Court addressed the parties regarding a questionnaire that the Court will present to the jury at the conclusion of trial.
3:30 pm	Court in recess awaiting a Verdict.
4:00 pm	Court advised that Verdict has been reached.
4:00 pm	Trial resumed. Court asked for Jury to be brought in. Jury seated in the courtroom.
	Court addressed jury and inquired if they have reached a verdict. Jury foreperson responded. Verdict form tendered to the Court.
	Court asked Clerk to read the verdict. Verdict read. Court inquired if the parties wished to poll the jury. None requested.
	Court addressed the Jury and thanked them for their service. Court read the Juror Certificate and asked the Court Clerk to tender them to the Jury.
	Court excused the Jury and asked them to wait and someone would be there to excuse them.
4:05 pm	Jury excused.
	Court addressed the parties. Court ordered the parties back to mediation with Judge Faulkner. Advised the parties that if they do not reach a settlement, a post-trial hearing will be set on July 16 th with sur-replies due on July 12 th at 4:00 pm. Parties to meet and confer on briefing schedule. Court advised will visit with the jury and return with information from the surveys.
	Mr. Cawley requested the Court thank the jury on the parties' behalf.
4:09 pm	Court in recess.
4:24 pm	Trial resumed. Court inquired of the parties if they desired that the answers to the jury questionnaires be on the record. Parties indicated they did not.
	(Not on record -- Court read the answers to the parties.)
4:35 pm	There being nothing further, Court adjourned.